REMARKS

The above amendments and following remarks are submitted in response to the pending Official Action of the Examiner mailed February 16 2005. Having addressed all objections and grounds of rejection, claims 1-20, being all the pending claims, are now deemed in condition for allowance. Reconsideration to that end is respectfully requested.

Through a typographical error, the subject application was filed with an incorrect title. The above amendment to the title is deemed to remedy this error.

The Examiner has objected to the specification at pages 20 and 26 stating:

> The listing of references in the specification is not a proper information disclosure statement.

This ground of rejection is respectfully traversed, because the documents referenced (i.e., MAPPER User Manual and Cool ICE User Manual) are disclosed to provide supplementary background information to the reader. These documents are not cited as prior art, because they are deemed not sufficiently enabling to constitute prior art.

The Examiner has further objected to missing filing information of a co-pending application. The above amendment to the specification is deemed to be fully responsive to this objection.

Claims 1, 2, and 16 have been rejected under 35 U.C. 112, second paragraph because of certain informalities. In response thereto, claims 1, 2, and 16 have been amended above in accordance with the recommendation of the Examiner.

Claims 6-10 have apparently been provisionally rejected under the judicially created doctrine of obviousness type double patenting. This rejection is deemed provisional, because claims 6-10 were rejected on prior art at the time of the finding of double patenting, and furthermore, claims 6-10 have been herein amended. Therefore, Applicants acknowledge the Examiner's rejection and will provide an appropriate response at an appropriate time in the prosecution (e.g., upon allowance of claims 6-10).

Claims 1-3, 6-9, and 11-19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,363,398, issued to Andersen (hereinafter referred to as "Andersen") in view of U.S. Patent No. 6,687,897, issued to Guinart (hereinafter referred to as "Guinart"). This ground of rejection is respectfully traversed for failure of the Examiner to present a *prima facie* case of obviousness as specified by MPEP 2143.

In accordance with the requirements of MPEP 2143, the Examiner has the burden of showing: 1) motivation to make the alleged combination; 2) reasonable likelihood of success of the alleged combination; and 3) all claimed elements within the alleged combination. The Examiner has not met his burden with regard to any of these three required showings.

As to the "motivation" to combine Guinart with Andersen, the Examiner makes the conclusory statement:

> It would have be (sic) obvious to one of ordinary skill
> in the art, at the time of the invention, to
> incorporate a second particular command language script
> element, taught be Guinart, in to the database

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> management system, taught by Andersen, in order to
> easier manage each <u>different command language script</u> as
> one file. (Emphasis added)

Not only has Andersen no interest in the ability "to easier manage each different command language script as one file" as alleged by the Examiner, Andersen specifically excludes such an intention. Column 1, lines 12-14, states:

> The present invention relates to computer database
> access and, in, particular, to access to a database on
> one computer by <u>a JAVA applet </u>running on a second
> computer. (Emphasis added)

Andersen is clearly only interested in commands embodied in "a JAVA applet". See also the Abstract and the pending claims.

It is abundantly clear that Andersen is only interested in disclosing and claiming a system employing "a JAVA applet". Therefore, the only motivation for the alleged combination is to reject Applicants' pending claims.

The second required showing of the Examiner is "reasonable likelihood of success" of the alleged combination. The Examiner simply ignores this obligation. Furthermore, it is clear from the disclosure of Andersen and Guinart that the alleged combination would not be made operative without substantial and unspecified modification to both disclosed systems.

The third requirement of MPEP 2143 is to show that the alleged combination has all of the claimed elements. The Examiner has failed to do so.

Claim 6, for example, is limited by a "notification module" which distinguishes between the claimed "first format" and the claimed "second format". Instead of addressing the claimed invention, the Examiner confusingly states:

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Regarding claim 6, Andersen discloses....a notification
module....which identifies a first particular command
language script element as within a first format which
is compatible with the data base management system
[Andersen, col 5, line 40 - col. 6, line 66]....

Yet, the Examiner further admits:

Andersen does not disclose a second particular command
language script element......

In other words, the Examiner specifically admits that Andersen

does not have the claimed "notification module" because Andersen

only processes commands in a single format.

The fact that Guinart may have a different command format

cannot possibly mean that Andersen has the claimed "notification

module", because Andersen has only a single command format and

therefore has no need of the claimed "notification module".

Furthermore, not only does Guinart not have the claimed

"notification module", the Examiner does not even allege that it

does.

For the convenience of the Examiner, claim 6 has been

slightly amended to more explicitly highlight this distinction.

The rejection of claim 6, and all claims depending therefrom, is

respectfully traversed.

Claim 7 depends from claim 6 and further limits the

connecting network. Because the alleged combination does not

have the limitations of claim 6, it cannot meet all of the

limitations of claim 7. The rejection of claim 7 is respectfully

traversed.

Claim 8 depends from claim 7 and is further limited by a

"coded command language script element which identifies the next

succeeding command language script element as within SGML-derived

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syntax". As if to acknowledge that neither Andersen nor Guinart has this claimed element and yet further confuse the situation, the Examiner cites substantial passages of both Andersen and Guinart. The reason that neither Andersen nor Guinart has this claimed element is because all of the command language script of both Andersen and Guinart is "SGML-derived syntax". There is simply no need to make the claimed distinction between command script formats. The rejection of claim 8 is respectfully traversed.

Claim 9 depends from claim 8 and further limits the claimed user terminal. Because the alleged combination does not have the limitations of claim 8, it cannot meet all of the limitations of claim 9. The rejection of claim 9 is respectfully traversed.

In rejecting claims 11-14, 16-17, and 19, the Examiner makes the clearly erroneous and legally deficient statement:

> Regarding claims 11-14, 16, 17 and 19, claims 11-14, 16, 17 and 19 have similar limitations as disclosed in claims 6-9. Therefore, the similar limitations are disclosed under Andersen-Guinart for the same reasons set forth in the rejection of claims 6-9 [Supra 6-9].

This statement is clearly erroneous, because claim 11, for example, includes two "executing" steps not found in claims 6-9, not found in either Andersen or Guinart, and not addressed by the Examiner in any of his rejections. This is similarly true of the "user interface module" of claim 16 and the storage provisions of claim 19. Furthermore, claims 11-14, 16-17, and 19 have different statutory and judicial bases of patentability. Therefore, these claims must be separately considered as a matter of law. The rejection of claims 11-14, 16-17, and 19 is

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respectfully traversed as based upon clearly erroneous findings of fact and inadequate and improper application of controlling law.

Claims 15 and 18 depend from claims 14 and 17, respectively, and further limit the claimed "coded command language script element". In making his rejection, the Examiner states:

> Andersen-Guinart further discloses an element in the command language script is a break between scripts....

This ground of rejection simply ignores the claimed element and clearly erroneously finds a "similar" element within the alleged combination. The rejection of claims 15 and 18 is respectfully traversed for failure to address the claimed invention.

Claims 4, 5, 10, and 20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen, in view of Guinart, and further in view of Applicants' Admitted Prior Art. This ground of rejection is respectfully traversed for failure of the Examiner to present a *prima facie* case of obviousness. In addition to the errors associated with motivating the combination of Andersen and Guinart, the Examiner concludes motivation to add Applicants' disclosure "in order to use different databases". Again, this conclusion has nothing to do with the prior art and is motivation by a need to make this conclusion to support the pending rejection. And again, the Examiner does not address his need to show "reasonable likelihood of success", perhaps because of Applicants' disclosed discussion of why success is not reasonably likely. The rejection of claims 4, 5, 10, and 20 are respectfully traversed for failure of the Examiner to meet his burden under MPEP 2143.

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Claim 5 depends from claim 4 and further limits the claimed user terminal. Because the alleged combination does not have the limitations of claim 4, it cannot meet all of the limitations of claim 5. The rejection of claim 5 is respectfully traversed.

Apparently, the Examiner has found claims 1-3 to be allowable over the prior art, as he has failed to make proper prior art rejections.

Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-20 being the only pending claims.

Please charge any deficiencies or credit any overpayment to Deposit Account No. 14-0620.

Respectfully submitted,

Barbara A. Christensen et al.

By their attorney,

Date ___May 16, 2005___
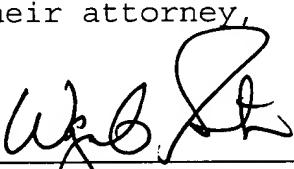
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